

Resume

Title of this thesis: Proceedings for administrative infractions in the first instance.

The thesis deals with administrative infraction proceedings in the first instance, mainly about the steps of administrative office before instituting the administrative proceedings. It is based on the new scholarly literature, incorporates new judicature and takes account of methodologies of Ministry of the Interior and practical problems.

In the chapter I there are defined administrative infraction proceedings, its relation to Administrative proceedings Act and the infraction and there is also described the basic character of the proceedings for administrative infractions in the first instance.

In the chapter II there is described competence of administrative office in administrative infraction proceedings, namely subject-matter jurisdiction, local jurisdiction and function competence. It deals with the changes of these competences too. Furthermore, in this context the thesis deals with professional competence of persons in authority and with contracts under public law. In the last part there are mentioned the reasons for exclusion of administrative persons, above all from bias.

In the chapter III there is explained the purpose of steps before instituting the administrative proceedings. First, it describes the taking of suggestion to proceedings of administrative office. Next, there is detailed description of co-operation between administrative offices, above all their duty to report about infractions. Especially, it is focus on the duties of Police of Czech Republic at reporting and investigation into infractions. Within the frame of co-operation there is introduced the performing of procedural acts by request of administrative office. Then the paper deals with the institute of accounting for the facts (giving evidences). Next, there is mentioned the possibility of obtaining proofs before instituting the administrative proceedings. In the last part of this chapter there is defined the conception of discontinuance of administrative procedure and there is also analysis of particular reasons for discontinuance of administrative procedure, both reasons of compulsory and facultative reasons.

In the chapter IV there are subscribed the reasons for discontinuance of proceedings.

In the chapter V there is the thesis conclusion.